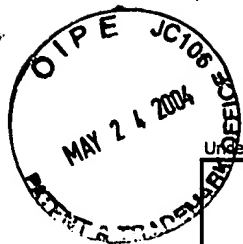


1636

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PTO/SB/21 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<h1 style="text-align: center;">TRANSMITTAL FORM</h1> <p style="text-align: center;">(to be used for all correspondence after initial filing)</p>		Application Number	09/881,526
		Filing Date	June 14, 2001
		First Named Inventor	H. Ralph SNODGRASS
		Art Unit	1636
		Examiner Name	D. Sullivan
Total Number of Pages in This Submission	4	Attorney Docket Number	441472000500

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply (3 Pages) <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1. Return postcard
<div style="border: 1px solid black; padding: 5px; min-height: 100px;">         Remarks       </div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	MORRISON & FOERSTER LLP (Customer No. 25226) Carol M. Gruppi - 37,341
Signature	
Date	May 20, 2004

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.	
Dated: May 20, 2004	Signature: (Hazel M. Raskowitz)

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: May 20, 2004

Signature:

(Hazel M. Raskowitz)

Docket No.: 441472000500  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Re Patent Application of:  
H. Ralph SNODGRASS

Application No.: 09/881,526

Group Art Unit: 1636

Filed: June 14, 2001

Examiner: D. Sullivan

For: TOXICITY TYPING USING LIVER STEM  
CELLS

**RESPONSE TO RESTRICTION REQUIREMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Office Action (Paper No.: 0404) dated April 20, 2004, setting forth a Restriction Requirement. Applicant was given a one month period to respond to the Office Action, making a response due by or on May 20, 2004. Accordingly, this response is timely filed.

**Restriction Requirement**

The Office Action set forth a Restriction Requirement requesting Applicant to elect one of the following groups for prosecution on the merits:

I. Claims 1-6 and 10-33 drawn to a method of creating a molecular profile of a chemical composition by nucleotide hybridization assay and a molecular profile made thereby;

II. Claims 1-4, 7, 8 and 10-33, drawn to a method of creating a molecular profile of a chemical composition by immunoassay and a molecular profile made thereby;

III. Claims 1-4, 7 and 9-33, drawn to a method of creating a molecular profile of a chemical composition by mass spectrometry and a molecular profile made thereby; and

IV. Claims 34-41, drawn to an integrated system comprising an array reader.

The Examiner has further restricted the claims of Groups I-III to examination of a single chemical species selected from claims 11, 12 or 13. Applicant hereby elects, with traverse, the claims of Group I and hepatic toxins as the chemical species for prosecution on the merits. The election is made with traverse for the reasons provided below.

A restriction requirement is proper if there would be a serious search and examination burden on the Office absent the restriction requirement. See MPEP § 803. Applicant respectfully submits that it would not be unduly burdensome to search the claims of Groups I-IV together or the chemical species of claims 11-13 together. Accordingly, withdrawal of the Restriction Requirement is respectfully requested.

**CONCLUSION**

Applicant expressly reserve their right under 35 U.S.C. § 121 to file one or more divisional applications directed to the non-elected subject matter during the pendency of this application, or an application claiming priority from this application. Applicant requests examination of the elected subject matter on the merits.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing (441472000500). However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: May 20, 2004

Respectfully submitted,

By 

Carol M. Gruppi

Registration No.: 37,341

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